

15. (once amended) The method of claim 9, wherein a plurality of individuals are present at each booth and interact at each booth for one of social and business pleasure in a public setting.

16. (once amended) The system of claim 1, wherein multiple parties interact at each booth for one of social and business pleasure in a public setting.

Please add new claims 17-20 as follows:

--17. The method of claim 9, wherein each booth has a table and a plurality of seating areas, the plurality of seating areas arranged so that viewing screen is visible from the plurality of seating areas, and the table sized to accommodate serving a meal to a plurality of individuals in the seating areas.

18. The system of claim 1, wherein each booth has internet access, cable TV, satellite broadcast, productivity tools, resources, and an inventory of computer games and programs.

19. The method of claim 9, wherein each booth has internet access, cable TV, satellite broadcast, productivity tools, resources, and an inventory of computer games and programs.

20. The method of claim 11, wherein the countries are separated by an ocean.--

REMARKS

Applicants request reconsideration of the rejection of claims on the basis that a *prima facie* case of obviousness has not been established. This request is made under the headings of the INVENTION, THE PRIOR ART AND REJECTION, and THE ARGUMENT.

In support of this request, claims 1, 15, and 16 are amended and claims 17-20 are added to place this application in condition for allowance.

THE INVENTION

The invention relates to the novel and unobvious combination of a number of features, none of which are taught or suggested by the prior art. That is, the prior art does not teach a videoconferencing restaurant as claimed, and having a number of booths to accommodate a number of people for eating and other services such as videoconferencing, internet access, computer games, etc., particularly over different geographic time zones. This time zone feature significantly increases the number of turns in each restaurant, leading to much improved profits.

THE PRIOR ART AND THE REJECTION

Independent claim 1 stands rejected under 35 USC 103(a) based on U.S. Pat. 5,374,953 to Flohr when taken in view of U.S. Pat. 5,598,351 to Chater et al. (Chater). The Examiner alleges that Flohr teaches everything in claim 1 but for the booth. To make up for this deficiency, the Examiner cites Chater to allege that it is known to use booths in videoconferencing, and given Chater, it would be obvious to use a booth in Flohr.

The Examiner rejects claim 9 on the basis that it would be obvious to modify Flohr with booths and use the system in a restaurant, relying on col. 5, lines 1-5 of Chater.

ARGUMENTS

The rejections of claims 1 and 9 are flawed in that there is no motivation to combine Flohr with Chater. Further, even if there was motivation to combine, the combination of the two does not establish a prima facie case of obviousness against claim 1 and claim 9.

First, the rejection takes the position that Applicants are merely adding booths to a videoconferencing system. This is an improper characterization of the claims. Claim 1 a restaurant videoconferencing system. The Examiner has ignored the restaurant term in this claim. Neither Flohr nor Chater address this concept of the invention.

Flohr is concerned with videoconferencing in general, and specifically to a system that allows entry into a videoconference without the intervention of a central computer or the provision of a central switch analogous to a telephone exchange. Flohr is merely concerned with videoconferencing in general and does not teach or suggest the invention.

Applicants are not claiming mere videoconferencing, rather a unique and novel way to get people together in both a restaurant and a videoconferencing setting which benefits the participants as well as the restaurant proprietor.

Besides not even being remotely related to the inventive concept, and as admitted by the Examiner, Flohr does not suggest the use of booths. In response to this deficiency, the Examiner relies on Chater to allege that the use of booths in videoconferencing is well known, and therefore it would be obvious to use booths in Flohr.

Chater is directed to a communication system for facilitating introductions of members of the opposite sex, i.e., a dating service. Chater is an improvement in off-line dating services whereby individuals encounter large delays when registering, making a video, and receiving a response. Chater solves this problem with a networking system that allows individuals to select an image among those transmitted, indicating that the image is selected and allowing communication between the selected and the selectee.

First, there is no reason to combine Flohr and Chater in the first place, and the rejection is flawed for this reason alone. Chater is concerned with a dating service, whereas Flohr teaches a networking system that allows for entry into videoconferencing. One skilled in the art would not be motivated to combine a videoconferencing system that seeks intrusion with a dating network that would loathe such activity. Thus, there is no reason why one of skill in the art would look to Chater and use Chater's individual booths in the Flohr system.

Further, even if the booths of Chater were used with Flohr, the Chater booths are designed for one-on-one conversation, and would not accommodate a plurality of seating areas as is now required by amended claim 1. The booths are not the same as those now recited in claim 1 for the reason that the claimed table is sized to allow for serving a meal to the individuals. Chater's booth has no such table, nor would there be any reason to provide such a table. Chater is not interested in serving food. Any contention that the now claimed seating areas and table are obvious variants of the Chater booth can only be hindsight, and cannot serve as a basis to reject claim 1.

For these reasons, claim 1 is patentably distinguishable over the applied prior art.

The rejection of claim 9 is flawed as well. The Examiner asserts that Chater provides a motivation to use the Chater videoconferencing as part of a restaurant, pointing

to col. 5., lines 1-5. This section of Chater does not suggest the invention. Rather, Chater suggests that a single terminal could find applications in bars, restaurants, and shops. Chater is not suggesting that the terminal be part of a restaurant serving booth; rather Chater is suggesting that the terminal be placed in different places of business. This placement of a single terminal does not suggest the invention, nor the step of serving food as part of the videoconferencing method.

New method claim 17 is also distinguishable for the reasons set forth above for claim 1.

Claims 15 and 16 are not taught by the applied references. Chater is a dating service and does not suggest multiple parties in a public setting as per these claims. To say the Chater's use of a credit card meets the claimed limitation, particularly "in a public setting" is unsupported by the facts. Nevertheless, these claims are amended to clarify that it is individuals present at the booths that interact, and this arrangement is not suggested by Chater.

The applied references also fail to suggest all of the features of claims 18 and 19 and these claims are also patentable over the applied prior art.

Claims 11 and 20 are also distinguishable in that none of the prior art suggests that the booths be in different countries or countries separated by an ocean. As stated above, eating and videoconferencing in different time zones of different countries results in significant increases in restaurant turns, and higher profitability. This benefit is not suggested in the applied prior art and claims 11 and 20 are deserving of their own patent protection.

CONCLUSION

Based on the arguments set forth above, independent claims 1 and 9 are each patentably distinguishable over the reference. Dependent claims 15-20 are also separately patentable over the applied art. The remaining dependent claims are allowable by reason of their dependency on their respective independent claims.

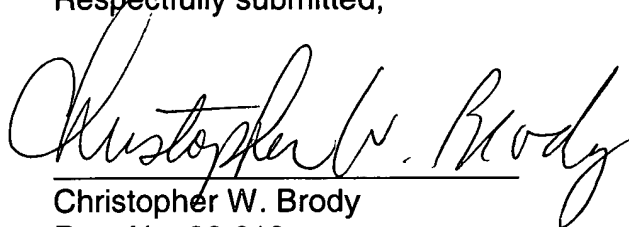
The above constitutes a complete response to all issues raised in the Office Action of March 9, 2001.

If an interview would expedite the prosecution of this application, the Examiner is respectfully requested to telephone the undersigned at 202-466-6464.

A petition for a one month extension of time under 37 CFR § 1.136(a) is hereby made. A check in the amount of \$55.00 is attached. Please charge any shortage in fees due in connection with the filing of this paper, including extension of times fees to deposit account number 50-1088 and please credit any excess fees to such account.

Again, reconsideration and allowance of this application is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Christopher W. Brody". The signature is written in dark ink and is positioned above a horizontal line.

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Date: July 9, 2001

Marked-Up Claims under Rule 1.121

1. (once amended) A restaurant videoconferencing system comprising:
 - a) a first plurality of booths in at least a first geographic location;
 - b) a second plurality of booths in at least a second geographic location;
 - c) each booth in each location equipped with at least one viewing screen and connected via a network providing both videoconferencing between booths in different geographic locations and multi-media access for each booth, wherein each booth has a table and a plurality of seating areas, the plurality of seating areas arranged so that viewing screen is visible from the plurality of seating areas, and the table sized to accommodate serving a meal to a plurality of individuals in the seating areas.
15. (once amended) The method of claim 9, wherein a plurality of individuals are present at each booth and [multiple parties] interact at each booth for one of social and business pleasure in a public setting.
16. (once amended) The system of claim 1, wherein a plurality of individuals are present at each booth and [multiple parties] interact at each booth for one of social and business pleasure in a public setting.